

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

RHIANNON MONTOYA,

Plaintiff,

vs.

Cause No. 1:16-CV-00253 JCH/GBW

BOARD OF COUNTY COMMISSIONERS FOR  
RIO ARriba COUNTY, RIO ARriba COUNTY  
and LARRY DeYAPP, JOSE LUIS GALLEGOS  
and ORLANDO ULIBARRI, in their individual  
and official capacity,

Defendants.

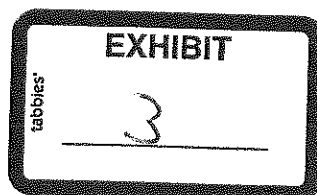
DECLARATION OF JOSE LUIS GALLEGOS

Jose Luis Gallegos, of full age, declares the following:

1. I am Assistant Administrator of the Rio Arriba County Adult Detention Center and have served in that capacity since MAY 2012.

2. Rhiannon Montoya was an inmate at the Rio Arriba County Adult Detention Facility on the following dates:

- a. December 18, 2011 to June 5, 2011;
- b. December 17, 2012 to December 18, 2012;
- c. January 2, 2013 to May 20, 2013;
- d. May 20, 2013 to May 24, 2013;
- e. April 26, 2014 to April 29, 2014;
- f. June 17, 2014 to July 29, 2014;
- g. December 3, 2014 to December 9, 2014 in relation to a post sentencing hearing; and



- g. April 17, 2015 to April 23, 2015 in relation to a post sentencing hearing..

3. While awaiting trial for the murder of her uncle, Ms. Montoya was also housed at the Gallup McKinley Adult Detention Center from:

- a. December 18, 2012 to January 2, 2013;
- b. May 24, 2013 to January 26, 2014;
- c. March 11, 2014 to April 26, 2014; and
- d. April 29, 2014 to May 12, 2014.

4. Ms. Montoya was additionally housed at the Cibola County Detention Center from August 6, 2014 to October 3, 2014 awaiting trial and then sentencing.

5. On October 3, 2014, Ms. Montoya was released to Rio Arriba County Transport Officer Hinds and transported to the New Mexico Women's Correctional Facility in Grants, New Mexico, where she began serving her state prison sentence as a state prisoner.

6. From April 13, 2015 to April 17, 2015, Ms. Montoya was also briefly housed at the Santa Fe County Detention Center in relation to a post-sentencing hearing and then returned to the New Mexico Women's Correctional Facility in Grants.

7. On each occasion when Ms. Montoya was housed at the Rio Arriba County Adult Detention Center, she was made aware of the Detention Center's grievance policy. She specifically acknowledged in writing having read and understood Rio Arriba County Adult Detention Center's Policies and Procedures/Inmate Handbook, which included the grievance policy, on December 17, 2012, when she was booked into the Rio Arriba County Adult Detention Center for one day before being transferred to the Gallup McKinley Adult Detention Center and then returned on January 2, 2013, when she was booked back into the Rio Arriba

County Adult Detention Center. Ms. Montoya also acknowledged in writing having read and understood the same policies and procedures upon being booked back into the Rio Arriba County Adult Detention Center on May 20, 2013, after a brief four (4) day transfer out of the facility. See Acknowledgment Forms attached as sub-exhibits A and B.

8. The grievance policy in effect at the time Ms. Montoya was an inmate at the Rio Arriba County Adult Detention Center is attached hereto as sub-exhibit C. The same policy remains in effect today.


9. The policy provides that inmate grievances are to be sent to the shift supervisor in a closed envelope. The purpose for this requirement is so the person who directly supervises the shift and pod where any alleged incident occurs can address the matter or matters timely so as to prevent a reoccurrence of the incident if he or she concludes it occurred and the inmate is entitled to relief. The shift supervisor investigates the grievance when it is received and makes a decision on same, notifying the inmate of his decision.

10. Inmates who are dissatisfied with the decision of the shift supervisor may appeal that decision to the assistant jail administrator and then the jail administrator. Appeal rights from any decision of the jail administrator are to a committee comprised of one staff member, one person with a law enforcement background and one citizen without correctional or law enforcement experience.

11. Ms. Montoya did not present a grievance to any shift supervisor while she was an inmate at the Rio Arriba County Adult Detention Center.

I declare under penalty of perjury that the foregoing is true and correct.

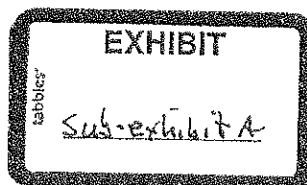
Executed this 18<sup>th</sup> day of JULY, 2016 at Tierra Amarilla, New Mexico.

  
Jose Luis Gallegos

## Interview Acknowledgement

I \_\_\_\_\_, have been interviewed by a Rio Arriba County Officer/Supervisor. The reason for this interview is to get background information in order to place you in the safest and least restricted housing unit while you are in detention. Also, any medical or personal needs may be referred at this time. We are not here for your legal representation so please do not discuss any facts of your case with me. I have read and understood this interview, and certify that I have given Rio Arriba County Detention Center staff true information to the best of my knowledge; I also have read and understand the policies and procedures/ inmate hand book of Rio Arriba County Detention Center.

Name: Thiamon Monday Date: 12/12/12  
Address: PO Box 1695  
DOB: 4/3/78 SS#: 525-248830  
Signature: [Signature]  
RACDC Official: \_\_\_\_\_



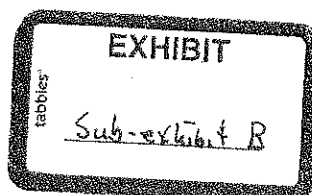
## Interview Acknowledgement

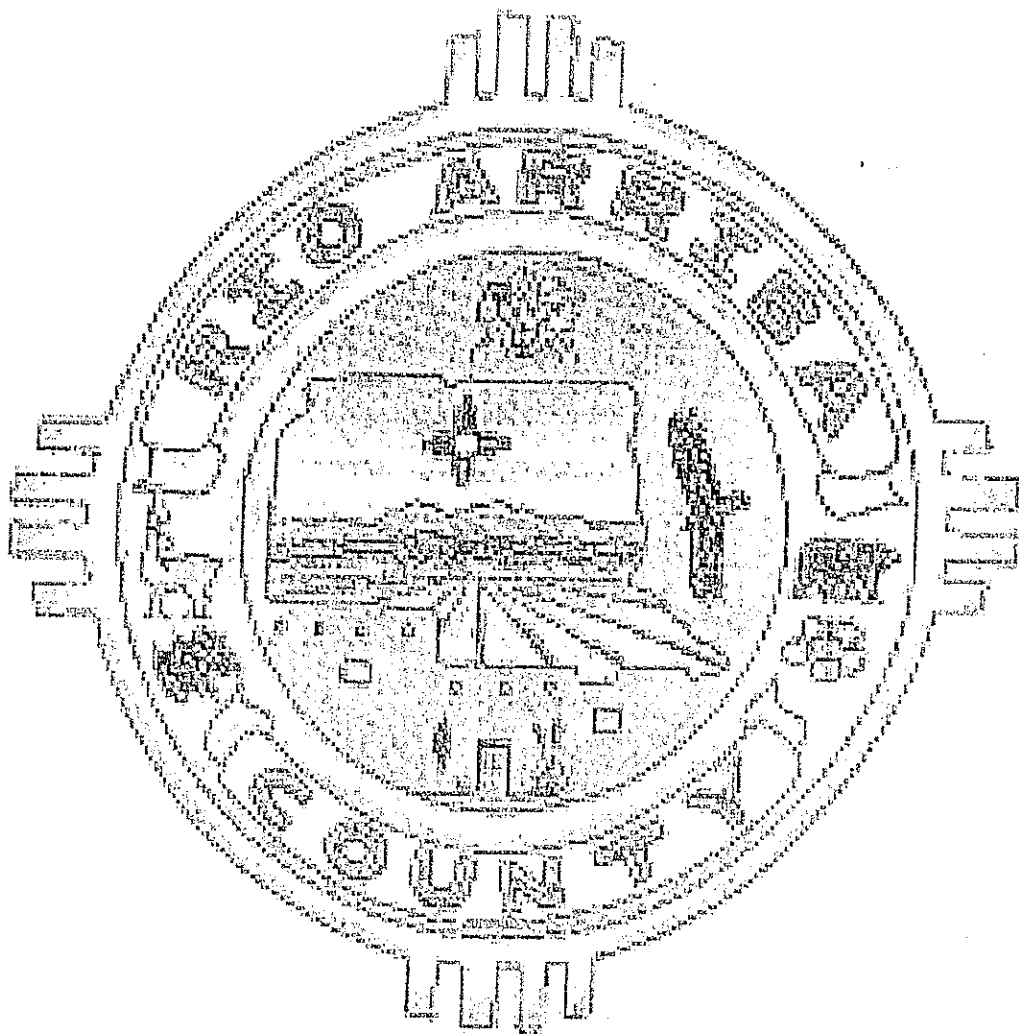
I \_\_\_\_\_, have been interviewed by a Rio Arriba County Officer/Supervisor. The reason for this interview is to get background information in order to place you in the safest and least restricted housing unit while you are in detention. Also, any medical or personal needs may be referred at this time. We are not here for your legal representations so please do not discuss any facts of your case with me. I have read and understood this interview, and certify that I have given Rio Arriba County Detention Center staff true information to the best of my knowledge; I also have read and understand the policies and procedures/ inmate hand book of Rio Arriba County Detention Center. By signing this you are aware that we will issue you the following items:

- (1) Blanket, (2) sheets, (1) towel, (2) inmate uniform shirts and pants, (1) pair of orange shoes, (1) toothbrush and toothpaste, (1) bar of soap, and (1) roll of tissue paper. \*all other items need to be issued through our commissary distributor.
- (2) Once you are accepted into Rio Arriba County Detention Center you have 14 days for your family to bring you the following items.

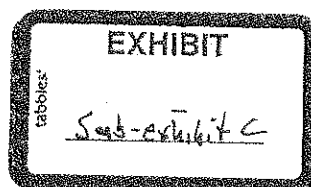
\*\* Male inmates will be allowed to receive (1) pack of white boxer shorts, and (1) pack of white socks (six pairs maximum).  
 \*\* Female inmates will be allowed to receive (1) pack of white boxer shorts, (1) pack of white socks, (2) bra's with no wire, (1) package white shirts, (1) package white panties

Name: Theresa Montoya Date: 8/20/13  
 Address: PO Box 1645  
 DOB: 4/3/78 SS#: 525-29-8830  
 Signature: [Signature]  
 RACDC Official: [Signature]





*Rio Arriba County Detention Center  
Policy and Procedure Manual*



INMATES' RIGHTS AND RESPONSIBILITIES, DISCIPLINE, AND GRIEVANCE

Inmates rights and responsibilities	page 130
Visitation	pages 131-133
Inmate mail	pages 134-135
Inmate use of telephone	page 136
Commissary services	pages 137-138
Access to media	page 139
Religious services	pages 140-141
Recreation	page 142
Inmate rules and regulations	pages 143-145
Inmate grievance process	pages 146-147
Disciplinary procedure	page 148-149
Attorney and Court Contact	page 150



Title: INMATE GRIEVANCE PROCESS

raede: 095

Policy:

An inmate of the Rio Arriba County Detention facility shall have the right and means to report a grievance without fear of being subjected to any adverse action for doing so.

Procedure:

1. Detention officers shall provide inmates who wish to report a grievance with a copy of the inmate grievance form and an envelope.
2. Inmate grievance forms shall be completed by the inmate and addressed to the shift supervisor. Envelopes containing grievance forms shall not be opened or read by any detention officer.
3. Upon receiving the form, the shift supervisor shall conduct an investigation.
4. The shift supervisor shall provide a copy of his disposition of the grievance to the inmate filing grievance.
5. If the inmate disagrees with the disposition made by the shift supervisor on the grievance he may appeal the decision of the administrator. The administrator shall provide a copy of his disposition of the grievance to the residence filing the grievance.
6. If the inmate disagrees with the disposition made by the administration of the grievance, he/she may appeal the decision to a grievance committee.
7. The grievance committee shall consist of one staff member, one person involved in a law enforcement and one person not involved with law enforcement or detention.
8. A meeting of a grievance committee shall be held to make a final decision.

9. The grievance committee shall:

- a. Review the administration grievance investigation report and disposition.
- b. Hear any additional information or rebuttal from the inmate reporting the grievance.
- c. Discuss possible corrective action with the administration, if the situation warrants it.
- d. Discuss a resolution of the grievance.

10. All records relating to the grievance shall be placed in the inmate's files.